

Texas Administrative Code
TITLE 31 NATURAL RESOURCES AND CONSERVATION
PART 17 TEXAS STATE SOIL AND WATER CONSERVATION BOARD
CHAPTER 527 REMOVAL OF A DISTRICT DIRECTOR
RULE §527.1 Policy Statement

It is the policy of the State Soil and Water Conservation Board to encourage the service of qualified individuals as district directors and to encourage they regularly attend and actively participate in all scheduled district meetings; carry out the duties and responsibilities of their office and comport themselves as trusted public officials. The State Soil and Water Conservation Board will develop and implement a procedure to remove a district director, if and when, facts lead to a determination they:

- (1) neglect the duty of office;
- (2) are unable, due to illness or disability, to discharge the duties of office;
- (3) are guilty of malfeasance in office: or
- (4) are disqualified as a voter in the conservation district or are disqualified to be a director in the numbered subdivision they represent.

The provisions of this §527.1 adopted to be effective October 14, 2004, 29 TexReg 9549

RULE §527.2 Definitions

The following words and terms, when used in this chapter in any derivative form, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) District--A Soil and Water Conservation District created under Chapter 201, Agriculture Code of Texas.
- (2) State Board--The Texas State Soil and Water Conservation Board created under Chapter 201, Agriculture Code of Texas.
- (3) Neglects the duty of office--This includes, but is not limited to, the district director being absent from more than six (6) consecutive regularly scheduled district board meetings that the district director is eligible and obligated to attend or are absent from more than half of the regularly scheduled meetings they are eligible and obligated to attend in any 12 month period, without an excuse approved by a majority vote of the district board and recorded in district board meeting minutes. It may also include those cases where, because of long-term illness or disability, the district director is unable to discharge the duties of office and the attending medical doctor does not believe recovery will allow the director to attend meetings during the remainder of their term.

(4) Malfeasance in office--This includes, but is not limited to, the district director being found guilty in a court of law of misconduct or wrongdoing for an offense relating to bribery and corrupt influence; perjury and other falsification; obstructing governmental operation; or abuse of office as defined in the Penal Code or an offense that imposes a legal disability to vote.

(5) Disqualified as a voter in the district--The district director is found to be less than 18 years of age; the district director does not hold title to farmland or ranchland lying within the conservation district; the district director is not actively engaged in the business of farming or animal husbandry; or the district director is not a resident of a county all or part of which is included in the district.

(6) Disqualified as a director in the numbered subdivision they represent--The district director does not have, or does not maintain the qualifications to be a district director by not owning land within the numbered subdivision from which they were elected or appointed.

The provisions of this §527.2 adopted to be effective October 14, 2004, 29 TexReg 9549

RULE §527.3 Petition

(a) The State Board may not consider removal of a district director for neglecting the duty of office unless a petition, on a form prescribed by the State Board, signed by a majority of the district board of directors is submitted to the State Board. The State Board shall consider if the action requested by the petition is sufficient to warrant further action and notify the district of their decision

(b) A petition to remove a district director for neglect of duty, should have documentation attached that, at a minimum shows:

(1) that the district has made a reasonable effort to notify the director when meetings were scheduled;

(2) that the district has made a reasonable effort to inform the director of the importance of attending and participating in scheduled meetings.

(3) that the district has fair, reasonable, and unbiased policies for granting excused absences when notified that a director has a conflict with a board meeting.

(4) that the district has notified the director by certified mail they were proceeding with removal procedures and received no response, or have documentation of any response.

(5) if the removal petition is for medical reasons, the district must have a copy of a statement from the attending medical doctor expressing their belief that the director will not recover sufficiently to attend meeting for the remainder of their term.

(c) The State Board may investigate and if warranted consider the removal of a district director for malfeasance in office or for being disqualified as a voter in the district or for being disqualified as a director in the subdivision they represent in the conservation district when petitioned, on a form prescribed by the State Board, signed by one or more district directors is submitted to the State Board or when presented with an allegation by a member of the public.

The provisions of this §527.3 adopted to be effective October 14, 2004, 29 TexReg 9549

RULE §527.4 Notice

The State Board shall direct the Executive Director to contact the district director that is the subject of the hearing; the district that the district director is a member of; and any other party who may have brought allegations by Registered Mail, return receipt requested, informing the recipients of the charges or allegations being considered in the hearing and informing the recipients of the date, time and place of the hearing and informing them they may present any facts they feel relevant to the issue. Should the subject of the hearing not sign for receipt of registered mail, the State Board may consider the use of a local process server. The hearing notice shall be published and posted consistent with the requirements of §201.004, Agriculture Code of Texas.

The provisions of this §527.4 adopted to be effective October 14, 2004, 29 TexReg 9549

RULE §527.5 Hearing

If, after receiving a petition to remove a district director, the State Board determines that cause exists, they shall direct the Executive Director to have such public hearings conducted as may be needed to obtain documentation and other facts necessary to consider the removal of a district director for the reasons described in the petition.

The provisions of this §527.5 adopted to be effective October 14, 2004, 29 TexReg 9549

RULE §527.6 Determination

A report of the public hearing(s) shall be presented to the State Board. After reviewing all relative facts obtained at the hearing, the State Board shall determine if the facts support removal of a district director for the reason(s) described in the petition. The State Board shall record their vote for removal and if a majority of the State Board votes for removal, the district director is removed under the authority of §201.076(e), Agriculture Code of Texas. Should the subject of the public hearing, after being duly notified, does not respond and does not react to the public hearing(s), the State Board may consider the lack of response to be a plea of nolo contendere.

The provisions of this §527.6 adopted to be effective October 14, 2004, 29 TexReg 9549

RULE §527.7 Vacancy

If a vacancy occurs in the office of district director for any reason, the remaining district directors by majority vote shall, within six months appoint a director for the unexpired term. The name of the district appointee, in a form prescribed by the State Board, signed by a majority of the district board of directors must be submitted for approval by the State Board before taking office.

The provisions of this §527.7 adopted to be effective October 14, 2004, 29 TexReg 9549